

(In effect as of January 1, 2005*)
TABLE 3. COVERAGE OF AGRICULTURAL WORKERS

Agricultural workers are covered in varying degrees in 40 jurisdictions. Fourteen jurisdictions 1/ cover agricultural workers the same as all other employees, and 28 carry limitations that are not applicable to other covered employees as indicated in the following table.

Eleven jurisdictions 2/, not listed in the table, permit agricultural employers to secure coverage voluntarily, even though no statutory provisions are prescribed.

1/ Arizona, California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Massachusetts, Montana, New Hampshire, New Jersey, Ohio, Oregon, and the Virgin Islands.

2/ Alabama, Arkansas, Indiana, Kansas, Kentucky, Mississippi, Nevada, New Mexico, North Dakota, South Carolina, and Tennessee.

*See Introduction page.

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|----------------------|---|------------------|
| Alaska | Agricultural employees, <u>except</u> those employed on a part-time basis. | Compulsory |
| Arizona | Agricultural workers are covered the same as all other employees. | Compulsory |
| California | Agricultural workers are covered the same as all other employees. | Compulsory |
| Colorado | Agricultural workers are covered the same as all other employees. | Compulsory |
| Connecticut | Agricultural workers are covered the same as all other employees. | Compulsory |
| Delaware | Agricultural employees whose employer carries insurance to provide coverage for such workers or their dependents. Farm workers are not covered if they earn less than \$750 in any 3-month period. | Elective |
| District of Columbia | Agricultural workers are covered the same as all other employees. | Compulsory |
| Florida | Agricultural workers, <u>except</u> those performing agricultural labor on a farm in the employ of a bona fide farmer or association of farmers, employing less than 5 regular employees and less than 12 other employees at one time for seasonal employment for less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. | Compulsory |
| Georgia | Employees of the Department of Corrections who are engaged in farm and live-stock operations. Employers are permitted elective coverage for their farm laborers. | Elective |
| Hawaii | Agricultural workers are covered the same as all other employees. | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|-----------|---|------------------|
| Idaho | Agricultural workers are covered the same as all other employees. A custom farmer, defined as a person who rents operated farm equipment, is considered to be an independent contractor under the workers' compensation law. A farm labor contractor, meaning one who for a fee, recruits and employs farmworkers is covered. | Compulsory |
| Illinois | Agricultural workers employed by an individual employer for 400 or more aggregate man-days in any quarter during the preceding calendar year; exclusive of the employer's spouse and other members of his/her immediate family residing with him/her. | Compulsory |
| Iowa | Agricultural employees, other than excluded family members, whose employer's total cash wage payments during the preceding year amounts to at least \$2,500. | Compulsory |
| Louisiana | Exempts from coverage employees of private unincorporated farms, in connection with cultivating the soil or raising or harvesting any agricultural commodity, including livestock, when the employee's annual net earnings amount to \$1,000 or less, and the total net earnings of all employees on the farm do not exceed \$2,500. | Compulsory |
| Maine | Agricultural workers, <u>except</u> seasonal or casual. An employer of 6 or less agricultural or aquacultural workers may alternatively secure the payment of compensation by obtaining an employer's liability insurance policy (total limit not less than \$100,000 and medical payment coverage of not less than \$5,000). Employers of agricultural or aquacultural laborers are not liable for securing compensation payment if the employer has 6 or fewer laborers, or | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|---------------|--|------------------|
| Maine (cont.) | the employer has more than 6 such laborers but the total number of hours they worked in a week does not exceed 240, and has not exceeded 240 hours at any time during the 52 weeks immediately preceding the injury. | |
| Maryland | Agricultural employees whose employer has 3 or more full-time employees or a yearly payroll for full-time employees of \$15,000. Office workers are exempt from coverage. Independent contractors on farms, other than migrant workers, do not have coverage. Owner-operator of large tractor trailer vehicles are excluded from coverage. | Compulsory |
| Massachusetts | Agricultural workers are covered the same as all other employees. | Compulsory |
| Michigan | Agricultural workers whose employers employ 3 or more regularly employed employees for at least 35 or more hours for 13 consecutive weeks during the previous 52 week period. | Compulsory |
| Minnesota | Farm laborers who do not work for a "family farm". (Elective coverage is permitted for certain employees of family farms.) Defines "family farm" as any farm operation which pays less than \$8,000 in cash wages, exclusive of machine hire, to farm laborers for services rendered during the preceding calendar year. "Family farm" may also include farm operations with total liability insurance of \$300,000, and \$5,000 in medical payment coverage, if such farm pays less than the statewide average annual wage. | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|---------------|--|------------------|
| Missouri | Farm laborers whose employer elects to accept the provisions of this Act by the purchase of a valid compensation insurance policy. Members and officers of a family farm corporation may be covered under a policy of workers' compensation insurance if approved by a resolution of the board of directors. | Elective |
| Montana | Agricultural workers are covered the same as all other employees. | Compulsory |
| Nebraska | Effective Aug. 31, 2003, employers engaged in an agricultural operation are exempt from providing workers' compensation insurance coverage if they employ only related employees. Agricultural employers who employ unrelated employees are also exempt unless in a calendar year they employ 10 or more unrelated, full-time employees, on each working day for 13 calendar weeks (consecutive or not). The act applies to an employer 30 days after the 13 th week. An employer exempt from the act may elect to provide workers' compensation coverage for its employees. Every exempt employer who does not elect to provide workers' compensation insurance coverage must give all employees written notice at the time of hiring that they will not be covered by the act, that they will not be compensated under the act if they are injured on the job or suffer an occupational disease, and that they should plan accordingly. Failure to provide this notice subjects an employer to liability under the act for all unrelated employees. | Elective |
| New Hampshire | Agricultural workers are covered the same as all other employees. | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|----------------|--|------------------|
| New Jersey | Agricultural workers are covered the same as all other employees (technically, coverage is elective, but practically compulsory). | Elective |
| New York | Requires workers' compensation coverage of farm laborers for 12 months, from April 1, if the farmer's total cash wage remuneration paid to all farm laborers during the preceding calendar year amounts to \$1,200 or more; farmworkers supplied to a farmer by a farm labor contractor would be deemed to be employees of the farmer. | Compulsory |
| North Carolina | Covers agricultural services if employer employs more than 10 full-time nonseasonal laborers. | Compulsory |
| Ohio | Agricultural workers are covered the same as all other employees. | Compulsory |
| Oklahoma | All workers employed in agriculture or horticulture by an employer who had a gross annual payroll in the preceding calendar year of \$100,000 or more. Except, agricultural employees who are not engaged in operation of motorized machines shall be exempt. | Compulsory |
| Oregon | Agricultural workers are covered the same as all other employees. | Compulsory |
| Puerto Rico | No expressed provision exempting farmworkers; therefore, farmworkers are covered in same manner as other workers. Sharecroppers are specifically covered | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|--------------|--|------------------|
| Pennsylvania | All agricultural workers if the employer pays one agricultural worker wages of \$1,200 or more, or furnishes employment to one employee in agricultural labor for 30 or more days during a calendar year. A spouse or child of an agricultural employer under age 18 is not considered an employee unless hired under an expressed written contract. | Compulsory |
| Rhode Island | Requires workers' compensation coverage of 25 or more farm laborers or agricultural workers employed for 13 consecutive weeks producing and raising specified crops and livestock. | Compulsory |
| South Dakota | Workers engaged commercially in the operation of threshing machines, grain combines, corn shellers, corn huskers, shredders, silage cutters, and seed hullers for profit. | Compulsory |
| Texas | Farm or ranch laborers who are migrant workers, or who are seasonal workers (under certain conditions), or who are employed by an employer with a certain minimum gross annual payroll for the preceding year, <u>except</u> farm or ranch workers who are employees of an independent contractor. | Elective |
| Utah | Employers with a payroll of \$8,000 or less do not have to provide coverage for their employees. Employers with a payroll between \$8,000 and \$50,000 are required to have full coverage, or liability insurance in the amount of \$300,000 and \$5,000 for medical care. Employers whose payroll is more than \$50,000 are required to have full coverage for their employees. | Compulsory |
| Vermont | All agricultural workers <u>except</u> those working for an employer whose aggregate payroll is less than \$2,000 in a calendar year. | Compulsory |

TABLE 3. STATES IN WHICH WORKERS' COMPENSATION LAWS APPLY TO FARMWORKERS (cont.)

| State | Farmworkers Covered | Type of Coverage |
|----------------|---|------------------|
| Virginia | Agricultural workers working for an employer who regularly has in service more than 2 full-time employees. | Compulsory |
| Virgin Islands | Agricultural workers are covered the same as all other employees. | Compulsory |
| Washington | All agricultural employees <u>except</u> a child under 18 employed by the child's parents in agricultural activities on the family farm. Children age 18 to 21 living and working on a family farm may be excluded from mandatory coverage by their parents. | Compulsory |
| West Virginia | Employees of an employer who has 6 or more full-time workers in agricultural service. | Compulsory |
| Wisconsin | Farmworkers working for an employer who becomes subject to the Act 10 days after he or she has employed 6 or more employees, whether in one or more locations for 20 or more days during the calendar year. | Compulsory |
| Wyoming | Workers engaged in power farming when one or more are employed for an average of 6 months each year. "Power farming" means work on a farm, livestock ranch, or poultry farm, which uses in connection with its operation any power-driven equipment, such as a pick-up truck, feed grinder, stacking machinery, tractor, mower, baler, or road grader. Workers engaged in extra-hazardous employment are subject to the provision of the Act. | Compulsory |

